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06 NOV 2006

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In re Application of:	:	
NYMAN, Kent	:	DECISION ON PETITION
U.S. Application No.: 10/531,204	:	
PCT No.: PCT/SE2003/001578	:	
International Filing Date: 10 October 2003	:	
Priority Date: 14 October 2002	:	
Atty Docket No.: 10400-000153US	:	
For: DENTIST'S MIRROR	:	

This decision is issued in response to the "Petition Under 37 CFR 1.181 To Withdraw Holding Of Abandonment" filed 11 August 2006. No petition fee is required.

BACKGROUND

On 10 October 2003, applicant filed international application PCT/SE2003/001578. The application claimed a priority date of 14 October 2002 and it designated the United States. On 29 April 2004, the International Bureau (IB) communicated a copy of the international application to the United States Patent And Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 14 April 2005.

On 14 April 2005, applicant filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the small entity basic national fee.

On 23 December 2005, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirements (Form PCT/DO/EO/905) indicating that a properly executed oath or declaration in compliance with 37 CFR 1.497 was required.

On 28 July 2006, the DO/EO/US mailed a Notification Of Abandonment (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to file a timely response to the Notification Of Missing Requirements.

On 11 August 2006, applicant filed the petition considered herein. The petition asserts that on 31 January 2006 applicant filed a timely and proper response to the Notification Of Missing Requirements, including an executed declaration. Attached to the petition, among other materials, is a copy of the documents filed on 31 January 2006, as well as a copy of a return postcard that itemizes the response and bears a USPTO receipt stamp dated 31 January 2006.

DISCUSSION

Based on applicant's statements in the present petition and the itemized postcard bearing the 31 January 2006 receipt stamp, it is concluded that materials accompanying the present petition (i.e., the "Response To Notice To File Missing Requirements Of An Application" and the executed declaration) were originally filed herein on 31 January 2006 as a timely response to the Notification Of Missing Requirements mailed 23 December 2005.

The Notification Of Abandonment mailed 28 July 2006, based as it was on applicant's purported failure to file a timely response to the Notification Of Missing Requirements, is appropriately withdrawn.

A review of the declaration filed 31 January 2006 confirms that the declaration is in compliance with 37 CFR 1.497.

CONCLUSION

The petition to withdraw the holding of abandonment is **GRANTED**.

The Notification Of Abandonment (Form PCT/DO/EO/909) mailed 28 July 2006 is hereby **VACATED**.

The executed declaration attached to the present petition will be treated as having been filed on 31 January 2006 as a timely response to the Notification Of Missing Requirements (Form PCT/RO/905) mailed 23 December 2005.

This application is being referred to the National Stage Processing Branch of the International Division for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 31 January 2006.



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